

MINUTES

PLAINTIFF'S
EXHIBIT**178**

**WALLER COUNTY COMMISSIONER'S COURT
REGULAR SESSION
WEDNESDAY – AUGUST 19, 2020**

BE IT REMEMBERED that the Honorable Commissioner's Court of Waller County, Texas, met in **REGULAR SESSION** on Wednesday, the 19th day of August 2020 at its meeting place in the Commissioners Courtroom of the Waller County Courthouse, Hempstead, Texas. The meeting was called to order by Waller County Judge Trey Duhon at 9:00 a.m. with the following members of the Court present to-wit:

Carbett "Trey" J. Duhon III, County Judge
John A. Amsler, Commissioner Precinct 1
Walter Smith, Commissioner Precinct 2
Jeron Barnett, Commissioner Precinct 3
Justin Beckendorff, Commissioner Precinct 4
Debbie Hollan, County Clerk

Delivery of Invocation by: Commissioner Amsler

Pledge to the American Flag and Texas Flag led by: Commissioner Barnett

1. **Approval of Agenda.**

Motion to approve agenda by Commissioner Beckendorff, seconded by Commissioner Smith.

Motion carried by 5-0 vote.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes

Commissioner Barnett – Yes

Commissioner Smith – Yes

Commissioner Beckendorff – Yes

PUBLIC COMMENT – None

To slow the spread of COVID-19, the public may make public comment at the beginning of the meeting by teleconference. **Local callers should call 979-921-6212.** Non-local callers should call 800-576-1131. The user code for both numbers is **14329937**. Callers will be asked if they would like to make public comment. After public comment, the teleconference line will be closed. The public may continue to watch the meeting streamed online at <http://wallercountytexas.swagit.com/live>.

CONSENT AGENDA

Items identified within the consent agenda are of a routine nature, and will be passed with one vote without being discussed separately. If a member of the court or public requests that a particular item be discussed, that agenda item will be pulled from the Consent Agenda and discussed as part of the regular agenda at the appropriate time. One vote will approve the remaining items on the Consent Agenda.

2. **Approval of the minutes** – August 12, 2020 Regular Session
3. **Request by County Auditor for approval and/or ratification of Accounts Payable.**
4. **Request by County Tax Assessor Collector to approve refunds in excess of \$500.00 in accordance with section 31.11 Texas Tax Code.**
5. **Request by County Treasurer for approval of Treasurer's Monthly Report.**

Motion to approve consent agenda by Commissioner Smith, seconded by Commissioner Amsler.

Motion carried by 5-0 vote.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes

Commissioner Smith – Yes

Commissioner Barnett – Yes

Commissioner Beckendorff – Yes

COUNTY JUDGE

6. **Presentation** of report on delinquent tax and fine and fee collection by Otilia Gonzales of Perdue Brandon Fielder Collins & Mott LLP. *No action required.*
7. Discussion of 2021 Budget. *No action required.*

COMMISSIONER, PRECINCT 1

8. Discussion of 911 addressing complaint from Mrs. Robin Blankenburg.
No action required.

Advanced to Agenda Item #19

19. Discuss and take action to approve the following private tax resale bids:
 - (a) Lot 6, Block 3, Deerwood Lakes, Section 4, Waller County, Texas, tax account R17651, in the amount of \$1,000.00 by Mr. Greg Graham (full offer for value);
 - (b) Lot 19, Block 3, Deerwood Lakes, Section 4, Waller County, Texas, tax account R17665, in the amount of \$1,000.00 by Mr. Greg Graham (full offer for value);
 - (c) Lot 20, Block 3, Deerwood Lakes, Section 4, Waller County, Texas, tax account R17667, in the amount of \$1,000.00 by Mr. Greg Graham (full offer for value);
 - (d) Lot 7, Block 6, Deerwood Lakes, Section 4, Waller County, Texas, tax account R17726, in the amount of \$1,000.00 by Mr. Greg Graham (full offer for taxes and costs);
 - (e) Lot 24, Block 7, Deerwood Lakes, Section 4, Waller County, Texas, tax account R17769, in the amount of \$1,000.00 by Mr. Greg Graham (full offer for value);
 - (f) Lot 27, Block 7, Deerwood Lakes, Section 4, Waller County, Texas, tax account R17772, in the amount of \$1,000.00 by Mr. Greg Graham (full offer for value);
 - (g) Lot 6, Block 9, Deerwood Lakes, Section 4, Waller County, Texas, tax account R17811, in the amount of \$1,000.00 by Mr. Greg Graham (full offer for value);
 - (h) Lot 10, Block 9, Deerwood Lakes, Section 4, Waller County, Texas, tax account R17815, in the amount of \$1,000.00 by Mr. Greg Graham (full offer for value);
 - (i) Lot 23, Block 11, Deerwood Lakes, Section 4, Waller County, Texas, tax account R17885, in the amount of \$1,000.00 by Mr. Greg Graham (full offer for value);
 - (j) Lot 24, Block 4, Deerwood Lakes, Section 6, Waller County, Texas, tax account R18355, in the amount of \$1,000.00 by Mr. Greg Graham (full offer for value);
 - (k) Lot 25, Block 4, Deerwood Lakes, Section 6, Waller County, Texas, tax account R18356, in the amount of \$1,000.00 by Mr. Greg Graham (full offer for value);
 - (l) Lot 3, Block 5, Deerwood Lakes, Section 6, Waller County, Texas, tax account R18379, in the amount of \$1,000.00 by Mr. Greg Graham (full offer for value);
 - (m) Lot 8, Block 8, Deerwood Lakes, Section 4, Waller County, Texas, tax account R17789, in the amount of \$1,670.00 by Mr. Greg Graham (full offer for taxes and costs);

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(1) Lot 17, Block 3, Deerwood Lakes, Section 5, Waller County, Texas, tax account R18001, in the amount of \$1,000.00 by Mr. Greg Graham (offer for 28% of value / 27.7% of taxes and costs);

and authorize the County Judge to execute deeds for said properties to Mr. Greg Graham.

Motion made by Commissioner Beckendorff, seconded by Commissioner Smith.

Commissioner Beckendorff made amendment to only accept the Offers on 19(d) and 19(m), seconded by Commissioner Amsler.

Amendment carried by 5-0 vote.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes

Commissioner Smith – Yes

Commissioner Barnett – Yes

Commissioner Beckendorff – Yes

Amended Motion carried by 5-0 vote.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes

Commissioner Smith – Yes

Commissioner Barnett – Yes

Commissioner Beckendorff – Yes

(Court reconsiders Item #19 further in the meeting, after agenda item #18)

COUNTY ENGINEER

9. Discuss and take action to accept ROW on Clemons Switch Road.

Motion made by Commissioner Beckendorff, seconded by Commissioner Smith.

Motion carried by 5-0 vote.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes

Commissioner Smith – Yes

Commissioner Barnett – Yes

Commissioner Beckendorff – Yes

10. Discuss and take action to approve Memorandum of Understanding with SRPF B/SPARTAN WEST X, L.P. and on behalf of Waller County MUD No. 19 regarding future improvements to Woods Rd. between IH-10 and US 90.

Motion made by Commissioner Smith, seconded by Commissioner Beckendorff.

Motion carried by 5-0 vote.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes

Commissioner Smith – Yes

Commissioner Barnett – Yes

Commissioner Beckendorff – Yes

11. ~~Discuss and take action to approve proposal for surveying services with Windrose Surveying & Land Services, LLC related to the expansion of Woods Rd. south of IH-10. Item WITHDRAWN.~~

ELECTION ADMINISTRATOR

12. ~~Discuss and take action to approve Election Judges and Alternate Election Judges for the 2020 General Election as submitted by the Waller County Republican Chair and the Waller County Democratic Chair. Item WITHDRAWN.~~

13. ~~Discuss and take action to approve Order for the November 3, 2020 General Election. Item WITHDRAWN.~~

TREASURER

14. Discuss and take action to approve amendments for Waller County employee cafeteria plans.

Motion made by Commissioner Beckendorff, seconded by Commissioner Smith.

Motion carried by 5-0 vote.

FIRE MARSHAL

15. ~~Discuss and take action on Burn Ban.~~ Item **WITHDRAWN**.

CONSTRUCTION MANAGER

16. **Update** on Justice Center Project. *No action required.*
17. ~~Discuss and take action to approve payment of \$3,407.05 for Statement # 21533 to City of Hempstead from line item 600-600-587521 [Library].~~
 Item **WITHDRAWN**.
18. Discuss and take action to approve the cost of \$27,075.00 for the following Security Equipment:
- Metal Detector and X-ray Machine at the Waller County Justice Courtroom Annex.
 - Metal Detector at Precinct 4 Courtroom Annex.

Motion made by Commissioner Beckendorff, seconded by Commissioner Smith.

Motion carried by 5-0 vote.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes

Commissioner Barnett – Yes

Commissioner Smith – Yes

Commissioner Beckendorff – Yes

Returned to Agenda Item #19 for Reconsideration

19. Discuss and take action to approve the following private tax resale bids:
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 - (b) Lot 19, Block 3, Deerwood Lakes, Section 4, Waller County, Texas, tax account R17665, in the amount of \$1,000.00 by Mr. Greg Graham (full offer for value);
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 - (f) Lot 27, Block 7, Deerwood Lakes, Section 4, Waller County, Texas, tax account R17772, in the amount of \$1,000.00 by Mr. Greg Graham (full offer for value);
 - (g) Lot 6, Block 9, Deerwood Lakes, Section 4, Waller County, Texas, tax account R17811, in the amount of \$1,000.00 by Mr. Greg Graham (full offer for value);
 - (h) Lot 10, Block 9, Deerwood Lakes, Section 4, Waller County, Texas, tax account R17815, in the amount of \$1,000.00 by Mr. Greg Graham (full offer for value);
 - (i) Lot 23, Block 11, Deerwood Lakes, Section 4, Waller County, Texas, tax account R17885, in the amount of \$1,000.00 by Mr. Greg Graham (full offer for value);
 - (j) Lot 24, Block 4, Deerwood Lakes, Section 6, Waller County, Texas, tax account R18355, in the amount of \$1,000.00 by Mr. Greg Graham (full offer for value);

(k) Lot 25, Block 4, Deerwood Lakes, Section 6, Waller County, Texas, tax account R18356, in the amount of \$1,000.00 by Mr. Greg Graham (full offer for value);

(l) Lot 3, Block 5, Deerwood Lakes, Section 6, Waller County, Texas, tax account R18379, in the amount of \$1,000.00 by Mr. Greg Graham (full offer for value);

(m) Lot 8, Block 8, Deerwood Lakes, Section 4, Waller County, Texas, tax account R17789, in the amount of \$1,670.00 by Mr. Greg Graham (full offer for taxes and costs);

(n) Lot 17, Block 3, Deerwood Lakes, Section 5, Waller County, Texas, tax account R18001, in the amount of \$1,000.00 by Mr. Greg Graham (offer for 28% of value / 27.7% of taxes and costs);

and authorize the County Judge to execute deeds for said properties to Mr. Greg Graham.

Motion made by Commissioner Beckendorff, seconded by Commissioner Smith.

Commissioner Beckendorff made motion to only accept the Offers on (d) and (m), seconded by Commissioner Amsler.

Amendment carried by 5-0 vote.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes

Commissioner Smith – Yes

Commissioner Barnett – Yes

Commissioner Beckendorff – Yes

Amended Motion carried by 5-0 vote.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes

Commissioner Smith – Yes

Commissioner Barnett – Yes

Commissioner Beckendorff – Yes

Reconsideration

Commissioner Beckendorff moved to reconsider Item #19, seconded by Commissioner Smith.

Motion carried by 5-0 vote.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes

Commissioner Smith – Yes

Commissioner Barnett – Yes

Commissioner Beckendorff – Yes

Commissioner Beckendorff moved to only accept the offer on item # (m), seconded by Commissioner Smith.

Motion carried by 5-0 vote.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes

Commissioner Smith – Yes

Commissioner Barnett – Yes

Commissioner Beckendorff – Yes

MISCELLANEOUS

20. Discuss and take action to approve the re-nomination of Harvey Laas for the remainder of the June 2019-May 2021 term to the HGAC Aging and Disability Advisory Committee.

Motion made by Commissioner Beckendorff, seconded by Commissioner Smith.

Motion carried by 5-0 vote.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes

Commissioner Smith – Yes

Commissioner Barnett – Yes

Commissioner Beckendorff – Yes

21. Discuss and take action to approve Resolution for the Nomination for a Board of Director for the Waller County Appraisal District to replace the recently vacated position by Roosevelt Alexander.

Motion made by Commissioner Beckendorff, seconded by Commissioner Smith.

Commissioner Barnett made motion to table agenda item, seconded by Commissioner Beckendorff.

Motion carried by 5-0 vote. **Item TABLED.**

Judge Trey Duhon – Yes

Commissioner Amsler – Yes

Commissioner Smith – Yes

Commissioner Barnett – Yes

Commissioner Beckendorff – Yes

22. ~~Discuss and take action to approve Memorandum of Understanding with the Panther Hill apartment complex for office space to be used by the Precinct 3 Constable's Office. Item WITHDRAWN.~~

23. Discuss and take action to amend County policies in relation to COVID-19.
No action taken.

24. Discuss and take action to deliberate business and financial issues in executive session based on determination and recommendation from the District Attorney's Office that deliberation in an open meeting regarding business and financial issues related to the purchase, exchange, lease, or value of real property in Precinct 4 would have a detrimental effect on the position of the County in negotiations with third persons.

Motion made by Commissioner Beckendorff, seconded by Commissioner Smith.

Motion carried by 5-0 vote.

<i>Judge Trey Duhon</i> – Yes	<i>Commissioner Amsler</i> – Yes	<i>Commissioner Smith</i> – Yes
	<i>Commissioner Barnett</i> – Yes	<i>Commissioner Beckendorff</i> – Yes

EXECUTIVE SESSION

25. Deliberate business and financial issues related to the purchase, exchange, lease, or value of real property in Precinct 4 pursuant to Government Code Sections 551.072 and 551.0725.

26. Consultation with District Attorney and outside counsel pursuant to Government Code Section 551.071.

Court convened to Executive Session at 12:08 p.m.

Court reconvened from Executive Session at 12:52 p.m.

27. Reconvene in Open Session to take any action necessary on matters discussed in Executive Session.

No action taken from Executive Session.

ADJOURN MEETING

Motion to **adjourn** meeting by Commissioner Beckendorff, seconded by Commissioner Barnett.

Motion carried by 5-0 vote.

<i>Judge Trey Duhon</i> – Yes	<i>Commissioner Amsler</i> – Yes	<i>Commissioner Smith</i> – Yes
	<i>Commissioner Barnett</i> – Yes	<i>Commissioner Beckendorff</i> – Yes

Meeting was **ADJOURNED** at 12:52 p.m.

I **ATTEST** that the above proceedings are the true and correct minutes taken in my capacity as Ex-Officio for the Commissioners' Court of Waller County.



Debbie Hollan
Debbie Hollan
Waller County Clerk

APPROVED this the 26th day of August 2020.

Trey Duhon
Treybet "Trey" J. Duhon, III
County Judge